IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

THURSDAY, THE 25TH JANUARY 2007 / 5TH MAGHA 1928

WP(Crl.).No. 15 of 2007(S)

PETITIONER:
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1. SIVADASAN, AGED 54,
   S/O LATE RAMAN, MALAPURATH HOUSE, PARLIKADU P.O.,
   THALAPPILLY TALUK, THRISSUR DT.

2. VALSALA, AGED 44,
   W/O.SIVADASAN, MALAPURATHU HOUSE,
   PARALIKADU P.O.,THALAPPILLY TALUK, THRISSUR DT.

3. DEEPA, AGED 24, W/O SAJI,
   MALAPPURATHU HOUSE, PARLIKADU P.O., THALAPPILLY
   TALUK, THRISSUR DT.

BY ADV. SRI.THIYYANNOOR RAMAKRISHNAN & SRI.ARUN KUMAR.P

RESPONDENTS:
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1. VINU, AGED ABOUT 28,
   S/O.VELUTHEDATHUPARAMBIL PURUSHOTHAMAN,
   KALLAMBARA DESOM, PANANGATTUKARA, THALAPPILLY
   TALUK, THRISSUR DT.

2. PURUSHOTHAMAN,
   KALLAMBARA DESOM, PANANGATTUKARA,
   TALAPPILLY TALUK, THRISSUR DT.

3. MEENAKSHI,
   W/O PURUSHOTHAMAN, KALLAMBARA DESOM,
   PANANGATTUKARA, THALAPPILLY TALUK, THRISSUR DT.

4. SMITA,
   D/O PURUSHOTHAMAN, KALLAMBARA DESOM,
   PANANGATTUKARA, THALAPPILLY TALUK, THRISSUR DT.

5. SUPERINTENDENT OF POLICE, THRISSUR.

6. SUB INSPECTOR OF POLICE, WADAKANCHERY.

   (RESPONDENTS 5 & 6 REPRESENTED BY
   PUBLIC PROSECUTOR, HIGH COURT OF KERALA).

7. MINORS/DETENUE

   ANAND, AGED 2 YEARS, S/O.DEEJA (D/O PETITIONERS 1 & 2) AND VINU, I.E.,RESPONDENT NO.1, NOW UNDER THE CUSTODY OF THE RESPONDENTS 1 TO 4.

8. ARYA, AGED 4 MONTHS,
   D/O DEEJA (D/O PETITIONERS 1 /& 2)
   AND VINU, I.E., RESPONDENT NO.1, NOW UNDER THE CUSTODY OF THE RESPONDENTS 1 TO 4.

BY ADV. SRI.S.RAJEEV
SRI.N.K.UNNIKRISHNAN

THIS WRIT PETITION (CRIMINAL) HAVING BEEN FINALLY HEARD ON 25/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(CRL.) 15/2007 - APPENDIX

PETITIONERS' EXHIBITS:

EXT.P1 - TRUE COPY OF MARRIAGE CERTIFICATE OF THE DECEASEDDEEJA WITH FIRST RESPONDENT.

EXT.P2 - TRUE COPY OF COMPLAINT DT. 28.11.2006 LODGED BY THE 1ST PETITIONER TO THE 6TH RESPONDENT.

EXT.P3 - TRUE COPY OF RECEIPT BEARING NO.PTN/736/VD/2006 ISSUED BY THE 6TH RESPONDENT IN ACCEPTANCE OF EXT.P2

EXT.P4 - TRUE COPY OF ACCIDENT-CUM-WOUND CERTIFICATE OF DEEJA ISSUED FROM TALUK HOSPITAL, OTTUPARA.

EXT.P5 - TRUE COPY OF COMPLAINT DT. 12.12.2006 LODGED BY THE 1ST PETITIONER'S SON DILEEP TO THE POLICE REGARDING THE DEATH OF DEEJA (FIR AND FI STATEMENT OF CR.NO.486/2006 OF WADAKKANCHERRY, POLICE STATION)

EXT.P6 - PHOTOGRAPHS (2 IN NUMBERS) OF DECEASED DEEJA TAKEN AT INSTANCE OF THE POLICE DURING THE POST MORTEM.

(TRUE COPY)

vaa

J.B. KOSHY and K.P.BALACHANDRAN, JJ.

W.P.(Crl.) No.15 of 2007-S

Dated this the 25th day of January, 2007

Judgment

The children were produced by the first respondent, father of the children. Father and mother of the first respondent were also present with the children. Petitioners were also present. Since the remedy of the petitioners for custody of the children lies with the Family Court, this writ petition is disposed of without prejudice to the above rights.

J.B.KOSHY
JUDGE

K.P.BALACHANDRAN
JUDGE

vaa

J.B. KOSHY AND
K.P.BALACHANDRAN, JJ.

W.P.(Crl.)No.15/2007

Judgment

Dated:25th January, 2007